GOVERNMENT OF MYSORE.

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR)

Labour Dispute :—Industrial Dispute between the Workmen and the Management of Blue Mountain Estates and Industries Ltd., Santhaveri Post, Chickmaglur District.

Award of theIndustrial Tribunal, Bangalore—published.

Read the following papers :—

(1) Letter No. I. T. No. 1553-4/67-68, dated 28th November 1967 from Shri A. Panchakshariah, Presiding Officer, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated 27th November 1967.

Present

Sri A. Panchakshariah, B.A. (Hons.) LL.B. Presiding Officer.

I. D. No. 92 of 1966.

Workmen of Blue Mountain Estates and Industries, Ltd., Santhaveri Post, Chickmagalur District.

First Party.

Vs.

Management of Blue Mountain Estates and Industries, Ltd., Santhaveri Post, Chickmagalur District,

Second Party.

Appearances

For the I Party:—Sri P. H Pinto, Vice-President, Mysore Plantation Workers Union, Chickmagalur.

For the II Party:—Sri K. Ramadas, Assistant Secretary, Mysore Planters' Association, Chickmagalur.

Reference.

G. O. No. LMA 24 LLD 66. Bangalore, dated 5th April 1966.

AWARD.

The present dispute is between the workmen and the Management of Blue Mountain Estates and Industries Ltd., Santhaveri Post, Chickmagalur District. It is in relation to a strike by the workers said to have taken place on 19th June 1964 and which continued up to 22nd June 1964, and the claim for wages for these three days. On a failure of the conciliation proceedings the Government of Mysore has referred this dispute by its order No. LMA 24 LLD 66, dated 5th April 1966 to this tribunal for adjudication. The dispute is registered as I. D. No. 92 of 1966. The I Party workmen filed their claim statement through the Vice-President, Mysore Plantation Workers' Union, Chickmagalur, in the course of which the I Party workmen contend that certain workers belonging to the II Party Management had applied for the grant of Revenue lands from the Government and these lands are adjacent to the II Party Estate. It is alleged that the II Party tried to obstruct the grant of this Government land in favour of the I Party workmen. Further it is alleged that in order to provoke the workmen the II Party brought the Deputy Commissioner of Chickmagalur District Sri H. L. Nage Gowda. There upon the Management summonned one Mathew Maistry, a worker who was an applicant for this land, before the Deputy Commissioner. On arrival of this Mathew Maistry, the Deputy Commissioner assaulted this man without any reason whatsoever. The I Party workmen contend that the II Party took advantage of its powers over the workers to Jeoparadise their rights and the management had no right to summon these workers to be present before the Deputy Commissioner. The above incident of assault coupled with the manager's provcking behaviour resulted in the workers staging a protest strike from 19th June 1964 to 22nd June 1964. It is therefore submitted by the I Party workmen that in view of the fact that the management gave provocation they are themselves responsible for the workmen going on strike for these three days and the strike was for a justifiable reason and therefore the workers request for wages from 19th June 1964 to 22nd June 1964.

2. In the course of the counter statement, the II Party represented by Sri K. Ramadas, Assistant Secretary, Mysore Planters' Association, Chickmagalur, has denied having obstructed the grant of land to the I Party workmen by the Revenue Department. However, the II Party had filed an application

before the Authorities setting out their reasons for objecting the grant of the land and this was done purely to safeguard the interest of the II Party Estate and never with a view to frustrate the efforts of the workers of the I Party to get any land. The rest of the allegations of the I Party are denied and the II Party also contends that it is not aware as to what happened on 19th June 1964 except that Mathew Maistry was requested to appear before the Deputy Commissioner as the Deputy Commissioner desired. It is also denied that the II Party's manager at any time resorted to provoking behaviour towards these workers. Further it is contended that the strike from 19th June 1964 to 22nd June 1964 is unjustified and illegal for which the II Party was in no way responsible. The I Party workmen are not entitled to any relief in this behalf. No additional Issues have been framed in this case. The case was then posted for trial. After several adjournments the case was taken up at my Chickmagalur Camp on 23rd November 1967, the I Party was represented by Sri P. H. Pinto and the II Party by Sri K. Ramadas. The I Party examined one doctor who is stated to have treated Mathew Maistry for the injuries sustained by him and closed the case. The II Party did not examine any witnesses.

3. During the course of arguments Sri Pinto contended that the provocation for the strike came from the II Party. The I Party workmen acting under this provocation which came from the II Party, were justified in going on strike from 19th June 1964 to 22nd June 1964 and therefore the strike was justified. He contended that the II Party has opposed the grant of this Revenue land to the I Party workmen. That is one reason offered by him. Secondly he argued that on the day on which the Deputy Commissioner visited the spot, *viz.*, 19th June 1964, the Manager of the II Party asked this Mathew Maistry to go and be present before the Deputy Commissioner and that is put down as the second reason for the provocation of the workers. Thirdly he argued that the assault by the Deputy Commissioner on this Mathew Maistry gave provocation to the I Party workmen to go on a strike. Their emotions were roused as a result of the unjustifiable assault on that day by the Deputy Commissioner and therefore the strike was justifiable. I say that none of these reasons have been established and further none of these reasons stand to be held to be sufficient to hold the II Party management responsible for the strike. If the II Party management had offered any objections for the grant of the neighbouring

lands to the I Party workmen, there was every justification for the II Party to oppose the grant. After all the II Party could only have raised objection but the ultimate authority to grant land was not the II Party but it is the Deputy Commissioner or the Government as the case may be. This has nothing to do with the relationship of employer and employees between the I Party workmen and the II Party. The I Party workmen cannot contend that this II Party had no right to raise any objection whatsoever for the grant of the land because the I Party workmen happened to be employees of the II Party. The second reason advanced by Sri Pinto for the employees is that the Manager of the Estate was responsible in bringing this Mathew Maistry before the Deputy Commissioner. I fail to see how there is anything wrong if the management asked this Mathew Maistry to appear before the Deputy Commissioner. This Mathew Maistry who had applied for grant of land had to be present before the Deputy Commiissioner if he was really serious in getting the land. In the first place there is no proof to show that it was the Manager of the II Party that took this Mathew Maistry before the Deputy Commissioner. Therefore this would not be a justifiable ground for the workmen to think that they had any reason to go on strike. Sri Pinto argued on the last reason that the Deputy Commissioner threatened this Mathew Maistry and assaulted him and caused injuries to him. Those injuries have been proved by the evidence of W. W. 1 doctor. Here, again I fail to see how the assault by the Deputy Commissioner could connect the II Party Management with the reason for the assault. In the first place there is no reason to show that the Deputy Commissioner assaulted Mathew Maistry and caused injuries to him. W. W. 1. no doubt says that he found some injuries on the person of Mathew Maistry. At the same time, while describing the reasons for these injuries, the doctor has said that they may be due to fall or external voilence. In this state of uncertainty and in the absence of any proof to show that the Deputy Commissioner did assault Mathew Maistry, it would be difficult to connect the Management with the injuries found on the person of this Mathew Maistry. Even granting for the sake of argument that the Deputy Commissioner did assault Mathew Maistry in the way contended by Sri Pinto, it would still be difficult to connect the II Party Management with this assault. Even if the assault were true, it is purely not at the instance of the II Party. Sri Pinto even argued that the II Party has used its influance in bringing pressure on the

Deputy Commissioner to assault Mathew Maistry. It would be too much to accept those arguments and it would be too much on the part of the Deputy Commissioner to have acted at the bidding of the II Party. Even if the assault were true, it may be due entirely to the thoughtless action of the Deputy Commissioner and surely it cannot be connected with the action on the part of the II Party Management in any way. The strike would be justified only for reasons bringing provocation to the workmen in the way of relationship of master and servant and employer and employee. It is not alleged by the I Party that there were any such reasons existing between the I Party and the II Party. No privileges had been withdrawn by the II Party from the I Party and there was absolutely no reason for the I Party to feel aggrieved against what took place on 19th June 1964 and hold the Management responsible for provocation. If at all, and if what the I Party has told the tribunal is true, it is purely due to the unreasonable attitude adopted by the Deputy Commissioner for which the II Party is in no way responsible. I am therefore of the opinion that the workmen of the Blue Mountain Estate and Industries, Ltd., Santhaveri Post, Chickmagalur District, were not justified in going on strike for three days from 19th June 1964 to 22nd June 1964. The strike was without any provocation by the II Party and absolutely unjustified.

4. When the strike is held to be unjustified and illegal, it follows that the strikers are not entitled to the wages for the period of the strike. I am told that in spite of the strike being illegal, the management have gracefully paid the wages for 19th June 1964 though they need not have paid it. Sri Pinto admitted that the workmen have received wages for 19th June 1964 because they had worked on that day up to 10 A. M.

5. In the result, I see no justification whatsoever to award wages for the 20th, 21st and 22nd June 1964. The Reference therefore fails and the same is rejected. No order as to costs.

A. PANCHAKSHARIAH,
Presiding Officer,
Industrial Tribunal,
Bangalore.
27-11-67

ORDER.

Bangalore, dated the 30th November 1967.

S. O. 2371.—WHEREAS by State Government Order No. LMA 24 LLD 66, dated 5th April 1966, the Industrial Dispute between the Workmen and the Management of Blue Mountain Estates and Industries Ltd., Santhavari Post, Chickmagalur District was referred to the Industrial Tribunal, Bangalore, for adjudication;

AND WHEREAS the Industrial Tribunal, Bangalore has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 24 LLD 66.]

By Order and in the name of the Governor of Mysore,

1557 G. G. PUROHIT, *Under Secretary.*